



# BERCOW RADELL & FERNANDEZ

ZONING, LAND USE AND ENVIRONMENTAL LAW

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VIA HAND DELIVERY

July 1, 2013

Jack Osterholt, AICP  
Director  
Department of Regulatory and Economic Resources  
Miami-Dade County  
Stephen P. Clark Center  
111 Northwest 1st Street, 11th Floor  
Miami, Florida 33128

**RECEIVED**  
213-061  
JUL 01 2013

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY ATJ

RE: Letter of Intent for Modification of Resolution, Deletion of Declaration of Restrictions, and Non-Use Variance for "Tuscany Place" Development.

Dear Mr. Osterholt:

This law firm represents L F R Land Family, LP and Tuscany Place Associates (collectively the "Applicant"), which together own the 32-acre parcel at the SW and NW corner of SW 137 Avenue and SW 256 Street (the "Property"). Please allow this letter to serve as the Applicant's letter of intent in support of: (1) a modification of the currently binding zoning resolution for the Property; (2) the deletion of the binding zoning covenant; and (3) a non-use variance to permit a fence in excess of that permitted under the County's Standard Urban Center Ordinance.

Zoning History. In March 2002, the Applicant's predecessor in interest secured the approval of a district boundary change to the Limited Apartment House (RU-4L) zone and related approvals through Resolution CZAB15-14-02 (the "2002 Resolution"). The 2002 Resolution applied to Parcels A and B of the Property. In concert with the 2002 Resolution, the Applicant recorded a "Declaration of Restrictions" at Official Record Book 20749, Pages 3683 through 3687 of the Public Records of Miami-Dade County that, among other things, limited the combined residential density to 380 units ("Existing Covenant").

The plans proffered for the 2002 Resolution depicted a multi-family development of varying development types. The area north of SW 256 Street ("Parcel A") was to be developed with garden-style apartments. The area south of SW 256 Street ("Parcel B") was to be developed with townhouses. Since the date of the 2002 Resolution, the development of Parcel A has been completed in a manner consistent with the approved plans, with 340 apartment units. Parcels B and C, however, have remained undeveloped. The Property has also been rezoned, with Parcel A now located in the County's Princeton Community Urban

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Center District and Parcels B and C located in the Naranja Community Urban Center District. The combined theoretical density of development permitted for the Property under the current urban center zoning is approximately 1,302 units.

Revised Plan. The Applicant now intends to develop Parcels B and C with a multifamily residential development under the terms of the Naranja Community Urban Center District regulations. As required by those standards, the Applicant will obtain an Administrative Site Plan Review approval. However, the Applicant will also need some additional "clean up" public hearing zoning approvals. Moreover, the Applicant will need zoning relief to develop a perimeter fence on Parcels B and C that will allow those parcels to be developed in a manner compatible with the area.

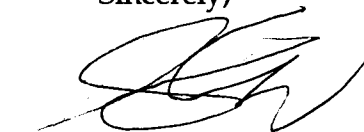
Specifically, the Applicant will require the following:

1. Deletion of the "Declaration of Restrictions" at Official Record Book 20749, Pages 3683 through 3687 of the Public Records of Miami-Dade County (applies to Parcels A and B).
2. Non-use variance to allow a perimeter metal picket fence of six (6) feet where 3'6" would be permitted on Parcels B and C.

The approval of the above requests will permit the development of Parcels B and C in a manner consistent with the goals of the Urban Center zoning. The variance of fence height will allow the Applicant to secure the community in a manner consistent with the development of the surrounding area. No changes in the development of Parcel A are contemplated at this time.

Conclusion. We look forward to your review and recommendation. If you have any questions or concerns regarding this letter, please do not hesitate to phone my direct line at (305) 377-6229.

Sincerely,

  
Graham Penn

Enclosures

